

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TOBIAS THOMAS and FERNANDO THOMAS,

Plaintiffs,

- against -

THE CITY OF NEW YORK, JERRY BOWENS,  
UC 4829, the name being presently unknown, UC  
312, the name being presently unknown, KAREEM  
ANDERSON, MICHAEL ARENELLA, "JOHN"  
BAYAS, the first name being unknown, MANUEL  
FERNANDEZ, ARKMEEK HUNTER  
GERARD SARDINA, BRIAN TURNER, and  
JANE DOE, the name being presently unknown,

**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISCONTINUANCE**  
09 CV 1189 (JBW)(RER)

Defendants.

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**WHEREAS**, plaintiffs commenced this action by filing a complaint on or about March 23, 2009 and an Amended Complaint on or about July 24, 2009 alleging that defendants violated their federal civil and state common law rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiffs' allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without defendants admitting any fault or liability; and

**WHEREAS**, plaintiffs have authorized their counsel to settle this matter on the terms set forth below:

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and

... between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff FERNANDO THOMAS the total sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) and to TOBIAS THOMAS

the total sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) in full satisfaction of all claims, including their claims for costs, expenses and attorney fees. In consideration for the payment of these sums, plaintiffs agree to dismissal of all the claims against the City of New York and to release the individually named defendants, Jerry Bowens, UC 4829, UC 312, Kareem Anderson, Michael Arenella, "John" Bayas, Manuel Fernandez, Arkmeek Hunter, Gerard Sardina, Brian Turner, and Jane Doe, and any present or former employees or agents of the City of New York, from any and all liability, claims, or rights of action that have or could have been alleged by plaintiffs in this action arising from and contained in the complaints in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, general releases based on the terms of paragraph "2" above and Affidavits of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the City of New York, Jerry Bowens, UC 4829, UC 312, Kareem Anderson, Michael Arenella, "John" Bayas, Manuel Fernandez, Arkmeek Hunter, Gerard Sardina, Brian Turner, and Jane Doe, that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

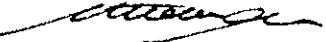
Dated: New York, New York

August , 2009

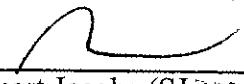
September 15

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New  
York  
Attorney for Defendant City of New York

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Matthew Flamm (MF1309)  
Attorney for Plaintiffs  
26 Court Street, Suite 600  
Brooklyn, New York 11242  
(718) 797-3117

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By: Stuart Jacobs (SJ 8771)  
Assistant Corporation Counsel  
100 Church Street  
New York, N.Y. 10007  
(212) 788-0899

SO ORDERED:

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U.S.D.J.